



VI. APPENDIX.

EXTRACTS FROM LIBERTY PRESS.

Liberty Press, November 8, 1941:

"I understand Glasgow solemnly advises his grand jury that they can hear no witnesses on anything unless the actions all occurred in the last 18 months—or in a few cases he stretches it to 3 years. Well, if he does so advise, he is not correct—because there are several conditions that might exist about a criminal case that would allow evidence to be proper before a grand jury even if the evidence was over three years old—for instance in murder cases—there is no statute of limitations—so long as the actual murderers have not all been prosecuted!"

Page 40:

"Is this a country where there is justice and freedom for all alike? I'm not asking the grand jury to not investigate about me—I'm offering to help them do all that—but what I am charging that grand jury, is with notice of my willingness to appear as a witness so why stop your investigations at my door? Is Shonkwiler's house, or Glasgow's house, more privileged? Will Glasgow or Shonkwiler submit to be a witness before the grand jury on the same terms that I have agreed to do myself? I'll wager neither of them will—and they'll not let Dwight Doss be appointed special prosecutor to examine them! That really might ball things up!"

As to Liberty Press Issue No. 2, Sixth Division, dated December 23, 1941, pp. 2 and 3:

"Yesterday morning, a few minutes after 9:00 o'clock at my office, I was called to the telephone by the said Attorney Oliver D. Mann saying that he was at the office of States Attorney Glasgow and that the Grand Jury was in session and that he had understood that I

was willing to appear before the Grand Jury and that the Grand Jury was willing for me to appear and that I would sign a waiver of all rights to any exemptions from any prosecutions that might come against me in claiming a defense because I had appeared, to which I replied that, that was correct, and he asked me to come to States Attorney Glasgow's office and sign the waiver, to which I replied, 'No, I will not come to that man's office, but I will go to the Circuit Clerk's office and be sworn there', to which Mr. Mann kindly assented, and I went over and signed the waiver, swore to it before John Bickel, Circuit Clerk, and gave it to him, and a copy thereof is as follows:

“ ‘STATE OF ILLINOIS, }
 “ ‘COUNTY OF PIATT. } ss.

“ ‘I, William A. Doss, in consideration of being permitted to testify before the Piatt County Grand Jury on December 22, 1941, on my own motion, do hereby by these presents waive my constitutional and statutory rights of immunity from prosecution on indictments which may be returned against me by the said Grand Jury for the County of Piatt, State of Illinois, and waive any and all rights that I might have by law or otherwise to claim immunity from prosecution of testifying to matters and things upon which said indictment or indictments may be returned.’

(Signed) ‘WILLIAM A. DOSS.’

“ ‘STATE OF ILLINOIS, }
 “ ‘COUNTY OF PIATT. } ss.

“ ‘On this 22nd day of December, A. D. 1941, personally appeared before me, an officer authorized to administer oaths, William A. Doss, who acknowledged that he signed the above waiver of immunity for the uses and purposes therein set forth as his own act and deed.’

(Signed) ‘JOHN W. BICKEL,
 ‘Clerk of Circuit Court.’ ”

(COURT SEAL)

"With this formality thus completed the special prosecuting attorney, Mr. Mann, and I were ready to march to, as we did, the Grand Jury room, etc. * * *"

Also, on page 3 of said Issue, we include in the statement the following:

"On one occasion while I was reading the late decision of the United States Supreme Court (while before the grand jury) on the very question of what rights are vested in citizens by the Bill of Rights, to the freedom of speech and freedom of publication, and which decision Mr. Mann admitted that he did not know anything about, and of course, he could not advise a Grand Jury on the subject of law that he himself had admittedly not read, although I took notice that he felt he could do so with total disregard to that high decision, but he thought nothing of that, as lawyers usually are more or less blind to the merits of an opposing side. They become uprightly more or less prejudiced to their own contest, so I viewed him that way."

Also on pages 4 and 5, we further quote:

"I think the Court of Public Opinion of the people of Piatt County is entitled to know, as well as the present grand jurors and therefore I deem it proper and of no offense to anyone, and no violation of the law, to publish the provisions of the Constitution and of the Statutes of Illinois, on what is called *Libelous* matters.

"The Constitution of Illinois on that subject is as follows (here follows Article II, Sec. 4, of the Constitution of 1870, and the Statute of Illinois, on that subject):

"Sec. 4. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be sufficient defense."

“ ‘Illinois Criminal Code—1941 Illinois Revised State Bar Statute, Chapter 38:

“ ‘Sec. 402—Defined: A Libel is a malicious defamation, expressed either by printing, or by signs or pictures, or the like, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue or reputation or publish the natural defects of one who is alive, and thereby to expose him to public hatred, contempt, ridicule, or financial injury.

“ ‘Sec. 402—Punishment: Every person, whether writer, or publisher, convicted of libel, shall be fined not exceeding \$500.00, or confined in the county jail not exceeding one year.

“ ‘Sec. 404—Justification: In all prosecutions for libel, the truth, when published with good motives, and for justifiable ends, shall be a sufficient defense’.”

The last foregoing quotations on pages 4 and 5 of said issue immediately precedes that part of the amended information quoted from the Liberty Press, which begins with these words, “Some argument has been made, etc.,” and is shown in the transcript of record, page 18.

Page 7, Issue of December 23, 1941:

“Attorney Mann made another statement to me that I then and now take rank exception to, as he was spreading before the grand jury his opinion to the effect that Judge Doss had no right to publish such things as he has done in the Liberty Press, hurting the reputations of such good young lawyers and States Attorney, as Carl I. Glasgow, etc., and I called his hand courteously, but courageously, and told him that *he did not know the facts*. I asked him to consider this situation: that only this spring Carl Glasgow deliberately called Dwight Doss, a young lawyer, my son, into his office about the matter of Dwight filing a motion for a new trial in a bastardy case, and, in substance, threatened Dwight with this situation, viz., that if Dwight filed a motion for a new trial that he, Glasgow, would have the grand jury indict the boy's father for

attempting to buy witnesses to testify falsely; and Dwight replied in substance, 'Mr. Glasgow, you should go ahead and get the indictment if the father is guilty. That is your duty to do.' But Dwight filed his motion for new trial, as I had told him (Dwight) not to worry, he could safely file his motion for new trial, that Glasgow was simply a liar and a bluffer, and that there would be no indictment, because I did not think the father was guilty, and I did not think Glasgow had any evidence that would even tend to prove his guilt. So I said to Mr. Maun, 'You do not know the facts, but the Liberty Press has published the truth, and I take exceptions to your statements.'

"I take this opportunity to call the attention of the people of Piatt County to the fact, which is too often overlooked and under-appraised, that it is exceedingly important that you have not only in your County Judge office, but in your States Attorney office as well, only an attorney who can and will keep himself free from being used as a tool of other men to accomplish things which too often are unrighteous, to not use a more uncharitable word. It is no new charge for me to say that States Attorney Glasgow is the stool pigeon of Robert P. Shonkwiler especially, and, of course, he works in harmony with Attorneys N. E. Hutson and E. J. Hawbaker, but seldom in half-way fairness to Judge Doss, or to his son, Dwight Doss, in any matters where he might feel or know that what he would do might be unpleasant or frowned upon by either Shonkwiler, Hutson, or Hawbaker."

Then follows that portion of the amended information that begins, "Now that is a situation that is terrible to exist in a little county, etc.," we believing that the foregoing is necessary for a fair and impartial understanding of the charges included in that portion of the information.

Pages 8 and 9, issue of December 8, 1941:

"In conclusion I copy the quotations I have given before on statements on the value of one's right to liberty, freedom of speech and freedom of the press,

appearing on pages 47 and 48 of Liberty issued the 20th instant, as given by some of the greatest American citizens we have, and they are as follows:

“(1) I quote from Franklin D. Roosevelt, our great President:

“ ‘In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expressions everywhere in the world.’ ”

“(2) I quote from Wendell L. Willkie:

“ ‘Americans have a genuine passion for liberty and a genuine passion for justice. Sometimes hatred obscures this instinct for fair play. It is well to remember that any man who denies justice to someone he hates prepares the way for a denial of justice to someone he loves.’ ”

